

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: Peter Streuer

Date: December 16, 2009

Date Filed: November 12, 2003

Atty. Docket No.: JCI-473

Application Number: 10/706,726

Art Unit: 1795

For: Rechargeable Battery and Sealing Plug  
for a Rechargeable Battery

Examiner: Ben Lewis

**Certificate of Electronic Transmission**

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Lisa Heindl

**REPLY BRIEF UNDER 37 C.F.R. § 41.41**

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In reply to the Examiner's Answer to Appellant's Appeal Brief filed October 16, 2009  
(hereinafter referred to as the "Examiner's Answer"), the following remarks are submitted

### REMARKS

Applicant wishes to note that a Reply Brief was filed by Applicant (hereinafter referred to as the "First Reply Brief") on July 10, 2009. Applicant's First Reply Brief is incorporated herein by reference in its entirety.

The Board remanded the appeal to the Examiner for a new Examiner's Answer. The substitute Examiner's Answer noted that Claim 34 was omitted from the Grounds of Rejection to be reviewed on Appeal submitted by Applicant in Brief on Appeal filed April 22, 2009. The omission was unintentional and the result of relying on the Office Action of October 6, 2008 from which this appeal is taken. In particular, none of the numbered paragraphs (2-4) stating the claims being rejected included Claim 34 although Claim 34 is listed as being rejected along with all other pending claims.

Claim 34 is a dependent claim depending from Claim 33, which in turn depends from independent Claim 32. Claim 34 is patentable for at least the reasons that Claims 32 and 33 are patentable. Applicant respectfully requests that the Board reverse the rejection of Claim 34.

### CONCLUSION

In view of the foregoing and the arguments presented in Appellant's Brief on Appeal and First Reply Brief, Appellant submits that:

1. Claims 13-18, 21-27, 30, 32, and 34-35 may not be properly rejected under 35 U.S.C. 103(a) over Krabatsch et al.;
2. Claims 19-20, 28-29, and 33-34 may not be properly rejected under 35 U.S.C. § 103(a) over Krabatsch et al. in view of Spaziante; and
3. Claims 31 and 36 may not be properly rejected under 35 U.S.C. § 103(a) over Krabatsch et al. in view of Richter.

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Appellant therefore submits that all pending claims of the present application are patentable over the references cited by the Examiner. Accordingly, Appellant respectfully requests that the Board reverse all claim rejections and indicate that a Notice of Allowance respecting all claims should be issued.

Respectfully submitted,



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Scott R. Cleere, Reg. No. 56,330  
Attorney for Applicant  
Lathrop & Clark LLP  
740 Regent Street, Suite 400  
P.O. Box 1507  
Madison, Wisconsin 53701-1507  
(608) 257-7766